

Exhibit “H”

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND
COMPOUNDING PHARMACY,
INC. PRODUCTS LIABILITY MDL No. 2419
LITIGATION

Master Dkt:
1:13-md-02419-RWZ

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THIS DOCUMENT RELATES  
TO:

All Actions

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VIDEOTAPED DEPOSITION OF
DALE BATCHELOR, M.D.

9:06 a.m.
September 2, 2015

Suite 700, Roundabout Plaza
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Nashville, Tennessee

Blanche J. Dugas, RPR, CCR No. B-2290

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15 Also Present:
16 Michael Mitchell, videographer
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1 Q. And did you keep that certification up
2 through 2012?

3 A. Yes.

4 Q. What -- what was your job starting in the
5 year 2000?

6 A. My job title was that of chief physician
7 executive, which was a title that included the role as
8 chief medical officer. And then at that point, there
9 was greater involvement of physicians and the
10 management of hospitals and how things were decided
11 and how management went, and my job was to coordinate
12 that and nurture that idea.

13 Q. Was that your title continuously from 2000
14 through 2012?

15 A. No.

16 Q. Okay. When did it change?

17 A. There were several changes that occurred.
18 On three occasions I was interim CEO of St. Thomas
19 Hospital. So I had an additional job title.

20 Q. When was that? You said on three different
21 occasions.

22 A. On three different ones. One was after Tom
23 Beeman left. One was over -- I'm trying to remember.

24 Q. Sure.

25 A. Les Donahue left, and there was one in

1 A. Not that I recall.

2 Q. Have you ever seen a formulary for STOPNC?

3 A. Again, not that I recall.

4 Q. Do you know whether STOPNC had a policy
5 regarding whether it could purchase drugs from
6 compounders?

7 A. No.

8 Q. That wasn't a very good question.

9 Did STOPNC, to your knowledge, have a
10 policy regarding whether it could purchase drugs from
11 compounders?

12 A. Not to my knowledge.

13 Q. Prior to the meningitis outbreak in 2012,
14 do you recall any discussions about purchasing --
15 about STOPNC purchasing drugs from compounders?

16 A. No.

17 Q. Did STOPNC have an equivalent of the PTAC
18 committee that existed at St. Thomas Hospital?

19 A. I don't know.

20 Q. Did you ever serve on a committee like a
21 PTAC committee for STOPNC?

22 A. No.

23 Q. Did you ever serve as a medical director of
24 STOPNC?

25 A. No.

1 Q. Did you ever serve as the chief medical
2 officer of STOPNC?

3 A. No.

4 Q. Did anyone from STOPNC ever seek your
5 medical judgment on any issue?

6 A. Not to my knowledge.

7 Q. If someone from STOPNC had asked for your
8 medical judgment on an issue, would you have given it?

9 A. Probably.

10 Q. Why do you say probably? Is there a chance
11 you might not have?

12 A. Well, no, it's very simple. My
13 relationship with STOPNC was a board member, not as a
14 medical advisor. But if somebody came to me in the
15 hallway and asked me a question about eyeballs and how
16 they related to neurologic procedures, I probably
17 would opine at that point trying to help him out as a
18 doctor but not as a CMO and not as a board member of
19 STOPNC.

20 Q. Do you know. Well, strike that.

21 Did anyone, to your knowledge, from STOPNC
22 ever seek Marty Kelvas's pharmaceutical advice on any
23 issue?

24 A. Not that I know of.

25 Q. Would Mr. Kelvas have provided his opinion

DISCLOSURE

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Blanche J. Dugas
CCR No. B-2290

1 STATE OF GEORGIA:

2 COUNTY OF FULTON:

3
4 I hereby certify that the foregoing
5 transcript was reported, as stated in the
6 caption, and the questions and answers
7 thereto were reduced to typewriting under
8 my direction; that the foregoing pages
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10 transcript of the evidence given upon said
11 hearing, and I further certify that I am
12 not of kin or counsel to the parties in the
13 case; am not in the employ of counsel for
14 any of said parties; nor am I in any way
15 interested in the result of said case.

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20 BLANCHE J. DUGAS, CCR-B-2290
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CAPTION

The Deposition of DALE BATCHELOR, M.D.,
taken in the matter, on the date, and at the time and
place set out on the title page hereof.

It was requested that the deposition be
taken by the reporter and that same be reduced to
typewritten form.

It was agreed by and between counsel and
the parties that the Deponent will read and sign the
transcript of said deposition.